

## **EXHIBIT F**

**Plaintiff's internal Complaint to the TA's Department of Equal  
Employment Opportunity & Diversity ("EEO") dated September  
29, 2014 and acceptance letter dated October 1, 2014**

**New York City Transit**

Office of Equal Employment Opportunity  
130 Livingston Street, 3rd Floor  
Brooklyn, NY 11201

**CONFIDENTIAL**Manager Initial/Signature: [Signature]Date Approved: 9/30/19**EEO Complaint Intake Form**Complaint No: 2014-09-30-0004**Section I: Complainant Information**

Name: Jennifer Benkeley Carr  
BSC ID/Pass No: 063919  
Title: Director  
Race & Gender: Black/Female  
Supervisor: Marva Brown

Home Address: 1400 Fifth Ave Apt 5S  
New York NY 10026  
Dept/Location: DOS/Capital Programs  
2nd WY  
Home No: 212-722-3645  
Work No: 646-252-5971

**Section II: Respondent(s) Information**

Name/Title: Marva Brown  
Dept/Location: UP & Chief of Off  
DOS/Capital Programs  
BSC ID/Pass No: (to be filled in by EEO Investigator)

Name/Title: UP & Chief Officer  
Dept/Location: \_\_\_\_\_  
BSC ID/Pass No: (to be filled in by EEO Investigator)

**Section III: Complaint Information**Check the appropriate type(s) of discrimination you are alleging:

<input checked="" type="checkbox"/> Race	<input type="checkbox"/> Sexual Orientation	<input type="checkbox"/> Marital Status	<input type="checkbox"/> Religion	<input type="checkbox"/> Victim of Domestic Violence
<input checked="" type="checkbox"/> Color	<input type="checkbox"/> National Origin	<input type="checkbox"/> Military Status	<input checked="" type="checkbox"/> Gender/Sex	
<input checked="" type="checkbox"/> Age	<input type="checkbox"/> Arrest/Conviction	<input type="checkbox"/> Disability	<input type="checkbox"/> Gender Identity	<input type="checkbox"/> Predisposing Genetic Characteristics
<input type="checkbox"/> Creed	<input type="checkbox"/> Retaliation	<input checked="" type="checkbox"/> Ethnicity		

Check the appropriate type(s) of harassment you are alleging:

<input type="checkbox"/> Race	<input type="checkbox"/> Sexual Harassment	<input type="checkbox"/> Marital Status	<input type="checkbox"/> Religion	<input type="checkbox"/> Victim of Domestic Violence
<input type="checkbox"/> Color	<input type="checkbox"/> Sexual Orientation	<input type="checkbox"/> Military Status	<input type="checkbox"/> Gender/Sex	
<input type="checkbox"/> Age	<input type="checkbox"/> National Origin	<input type="checkbox"/> Disability	<input type="checkbox"/> Gender Identity	<input type="checkbox"/> Predisposing Genetic Characteristics
<input type="checkbox"/> Creed	<input type="checkbox"/> Arrest/Conviction	<input type="checkbox"/> Retaliation	<input type="checkbox"/> Ethnicity	

Describe the nature of the complaint: (use a separate sheet, if necessary)

Violation of MTA EEO Policy with reg  
to my age, race, color, gender. Denied  
promotional opportunities, unfair & bias  
treatment in MTA workplace. see a

EXHIBIT H  
9/30/19  
SC  
tabbies

## Section III: Complaint Information (Continued)

CONFIDENTIAL

Did anyone else witness the alleged act? ☒ Yes ☐ No

List the witness(es) to the alleged act: (use a separate sheet, if necessary)

Name: Frantz PolycarpeTitle: Director

Phone No: \_\_\_\_\_

Name: Enda LeGrand-PaulTitle: Analyst

Phone No: \_\_\_\_\_

Date of most recent act of discrimination? 8/20/14Do you believe the alleged act of discrimination against you is continuing? ☒ Yes ☐ NoHave you discussed this alleged discriminatory action with your supervisor prior to filing this complaint? ☐ Yes ☒ NoAgency Designation: ☒ NYCT ☐ MTA ☐ STOAEmployment Status: ☒ Provisional ☐ Probation ☐ PermanentUnion Membership: ☐ Yes ☒ NoHave you filed a grievance with your union about this complaint? ☐ Yes ☒ No

If Yes, specify the status of the grievance: \_\_\_\_\_

Have you filed a grievance with another forum about this complaint? ☐ Yes ☒ No

If Yes, specify the forum and status: \_\_\_\_\_

Have you filed a complaint with an outside agency? ☐ Yes ☒ No

If Yes, specify the agency and complaint number: \_\_\_\_\_

## Important Information

If you file this complaint with any court, administrative agency such as, the United States Equal Employment Opportunity Commission (EEOC) or the New York State Division of Human Rights (NYSDHR), or any other external forum, the MTA NYCT Office of Equal Employment Opportunity will administratively close your case and refer the matter to the Law Department for handling.

If you choose to file with the EEOC, you must file the complaint within 180 days from the date of the alleged discrimination in order to protect your rights. You should contact the nearest EEOC office for additional information about filing a complaint with the EEOC. The MTA NYCT Office of Equal Employment Opportunity will provide you with the address and telephone number of the local EEOC office.

If you choose to file with the NYSDHR, you must file the complaint within one year of the most recent act of alleged discrimination in order to protect your rights. You should contact the nearest NYSDHR office for additional information about filing a complaint with the NYSDHR.

## Affirmation

I hereby swear/affirm that the information in this Complaint Intake Form is true and correct to the best of my knowledge, information, and belief.

Samuel Bentley Carr  
Complainant's Signature

[Signature]  
EEO Investigator

9/29/14  
Date



September 3, 2014

Antonio Seda  
Director and Acting Assistant Chief Officer, Investigations  
Office of Equal Employment Opportunity  
New York City Transit  
130 Livingston Street, 3rd Floor  
Brooklyn, NY 11201  
718.694.1670  
antonio.seda@nyct.com

Dear Mr. Seda,

As requested during our conversation on September 2, 2014, following is a brief summary of my complaint against Marva Brown, Vice President and Chief Officer, Capital Programs, Department of Subways:

- My complaint involves age discrimination, unfair promotions and hiring practices, and abuse of power by Marva Brown in the Division of Capital Programs where I now work. I am requesting that an investigation be conducted and corrective action taken.
- On October 9, 2013, I interviewed before a panel of three Senior Directors and one HR representative for a Senior Director Level B position. I was told by a panel member that I was one of the two top-candidates recommended to Marva Brown for the position. Yet, Marva Brown did not promote either of the two top candidates. Instead, she told me that the position was not the right fit for me and proceeded to promote a younger white male co-worker into the position; whom, as I was made to understand, was not recommended by the panel for the position. The other candidate and I who were recommended for the position are both over the age of 50.
- In May of 2014, the Senior Director, my direct supervisor in the Communications Unit, resigned from New York City Transit and the position was posted. I applied and was interviewed on July 30, 2014. Marva Brown, Debbie Chin and one HR representative were on the panel. Several weeks later on August 20, 2014, Marva requested a meeting with me. Although she did not give me any feedback on the interview, she told me that I was not ready for the next level. She also informed me that she will be bringing someone from outside to fill the position. This is the job that I have been doing for the past 4 years without supervision or support from a Senior Director.
- Although I did not need supervision, upon the departure of the Senior Director of the Communications Unit on May 30, 2014, Marva has never communicated with me about my supervisor's resignation. She never provided any direction or

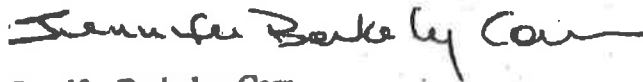
guidance on how to continue the operations of the Unit. Even so, I continued to manage the Unit as I have been for the last 4 years unsupervised.

- Over the approximately three years under Marva Brown's leadership, I have been publicly humiliated. In early 2014, Marva Brown asked me to move out of my office and into a cubicle. This is one example of unfair treatment and abuse of power. My 2013 Evaluation touted me as "an effective leader of the Communications area for DOS Capital Programs". Yet, of the three Level C Directors in my division, I am the only one without the Senior Director title and the only one without an office.

As mentioned previously, this is just a brief summary of my complaint. I look forward to meeting with your office to discuss the full details of my complaint and what I have experienced over the past several years.

Thank you for your attention to this matter.

Sincerely,



Jennifer Berkeley Carr  
Director  
Department of Subways Capital Programs  
2 Broadway, D14-112  
New York, NY 10004  
646-252-5971

September 23, 2014

Jennifer Berkeley Carr  
Director, Telecommunications and Systems  
MTA New York City Transit  
Department of Subways (DOS), Division of Capital Programs

## **EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT**

### **Introduction:**

This complaint is about the violation of the MTA Equal Employment Opportunity Policy with regards to my age, race, color, and gender. I have been employed with the MTA New York City Transit for the past 14 years. I have been in the Department of Subways, Division of Capital Programs as Director, Telecommunications and Systems for 10 years; and under the leadership of Marva Brown, Vice President and Chief Officer for the past 4 of those 10 years. It is my claim that Marva Brown has administered MTA NYC Transit's Personnel policies in a discriminatory manner in violation of Policy/Instruction No. 1.15.3. **(Hereto attached as Attachment 1).** Denial of promotional opportunities, acts of intimidation, harassment, and bias treatment in the workplace have adversely affected my opportunity for advancement; also in violation of President Carmen Bianco's December 19, 2013 Letter on Respectful Workplace, Diversity and Equal Employment Opportunity **(hereto attached as Attachment 2).**

### **Background:**

The Department of Subways, Division of Capital Programs manages the capital program for the Department of Subways of approximately \$11.0 billion for a 5-year Capital Plan. The Division is responsible for the coordination and development of the 20-year needs assessment, which leads to the 5-year capital plan. We prepare, review and process budget modification and procurement staff summaries, project profiles, master plans, budget estimates, operating budget impacts, financial management and analysis, resolve issues for design and construction managers, process beneficial use, acceptance of completed capital contracts, and publish several quarterly reports.

**Staffing:**

There are approximately 34 employees in the Division of Capital Programs. Staffing based on program area and is as follows:

Timothy Forker, Senior Director A Level  
Director Level D Position Vacant – Interviews are being conducted  
Staff – 4 Analysts, 2 Sandy Fellows, 1 vacancy  
Program Area: Shops, Line Equipment, Yards, Rolling Stock (Trains), Power, Force Accounts

Titus Byaruhanga, Senior Director A Level  
Jeanine Payne – Director D Level  
Staff: 2 Analysts  
Program Area: Fulton Street Infrastructure Improvement, 2<sup>nd</sup> Ave. Subway

Joseph DiLorenzo, Senior Director B Level  
Frantz Polycarpe – Director D Level  
Staff: 3 Analysts, job posting for 1 additional analyst  
Program Area: Employee Facilities, Stations, Tunnel Lighting, Line Structures

Robert Levine, Senior Director C Level  
Staff: 2 Analysts  
Program Area: Security Capital Program

AnaMaria Perdomo, Senior Director C Level  
Renee Jackson – Director E/F Level  
Staff: 4 Analysts, 2 reporting to Director  
Program Area: Track, 7 Line Extension, Signals, Personnel

Vacant - Senior Director B Level  
Jennifer Berkeley – Director C Level  
Staff: 1 Analyst (reduced from 3)  
Program Area: Communications and Systems, Critical Issues Report

**Marva Brown's Direct Reports**

Timothy Forker, Senior Director A Level  
Titus Byaruhanga, Senior Director A Level  
Joseph DiLorenzo, Senior Director B Level



Robert Levine, Senior Director C Level  
AnaMaria Perdomo, Senior Director C Level

My Current Responsibilities

In my position as Director of Telecommunications and Systems, I am primarily responsible for the overall coordination of the Telecommunications and Systems program area. This effort requires interaction with Capital Program Managers who are overseeing the strategic capital planning for specific Operating Divisions within Subways. I am the lead responsible person for analyzing, coordinating, prioritizing, developing and updating the comprehensive and changing Telecommunications Program area, and have been for the last 4 years.

As the Director of Telecommunications and Systems, I ensure that all DOS capital priority needs are addressed within the prescribed funding envelope of approximately \$800 Million in the 2015-2019 Capital Program; I oversee all facets of program development and management for all communication and new technology projects within DOS; I negotiate and resolve issues; I prioritize requests from Subways' divisions based on emergency and safety needs, and negotiate funding levels with Capital Planning and Budget and Capital Program Management (CPM) for inclusion in the NYC Transit Capital Program. The majority of capital projects have a communications element within them, such as communication room equipment, data/telephone, wireless equipment, fiber/copper/antenna cable, etc.

I manage the ongoing process, negotiate and resolve issues related to the Beneficial Use, Final Acceptance and close-out of all completed communication and related projects. Several notable projects I manage are system-wide VHF Radio Upgrade, Rail Control Center and Power Control Center Electrical and Mechanical upgrades (central nerve locations for NYC Transit train and communication system operations), Mechanical and Electrical Upgrade of 130 Livingston Plaza (Backup Command Center, security, datacenter and central employee location), fire alarm systems installation and upgrades, A-Division System-wide Public Address/ Customer Information Systems (PA/CIS), System-wide Help Point rollout, B-Division PA/CIS, PBX upgrades, Integrated Service Information and Management: B Division (ISIM-B), Fiber/copper, antenna upgrades, SONET/ATM infrastructure and Network upgrades (backbone for all NYC



Transit's emails, payroll, MetroCard processing, emergency telephones, emergency alarms, etc.)

In summary, I play an instrumental role in assuring that New York City Transit is investing capital dollars in technologically sound communications projects and implementing those projects in a cost effective manner.

Following is an account of the events to support my complaint:

In September 2000, I joined New York City Transit in a Managerial position within the Department of MetroCard. In 2004, after my Department was disbanded, I joined the Department of Subways (DOS) Capital Programs under the leadership of Craig Stewart. I began working in the Communications Unit under the supervision of Naja Zarzour, an A Level Senior Director. I received a promotion in November 2006 under Mr. Zarzour and continued to work with him until he retired in May 2010. Since Mr. Zarzour's position was not posted nor an interim Senior Director appointed, I served as the sole person in the Communications Unit handling all communications related issues. Despite the lack of staff and direction, I managed all issues, requests, assignments, and processes for the very complex and fast changing Communications area.

In the years following Mr. Zarzour's departure, I personally handled all high level Authority wide initiatives independently. I was responsible for responding to feedback from public hearings addressing the decommissioning of Station Agent booths, a highly visible and controversial matter. In addition, I played a key role in advancing the MTA Chairman's accelerated initiative for system-wide rollout of Help Points in subway stations. As part of the Help Point project, I developed a Concept of Operations, which involved coordinating and gaining consensus from numerous Authority Departments. This multi-page technical document was well received and ultimately approved by the then DOS Senior Vice President, Carmen Bianco.

While I was involved in handling communication matters, the Capital Program Division was going through leadership changes; Craig Stewart was appointed Chief of Staff to President Prendergast and Wynton Habersham was named Acting Chief Officer of Subways Capital Programs. Recognizing the need for additional staffing in the Communications Unit, one of Mr. Habersham's first acts in his new position was to assign an analyst to the unit.

Approximately 6 months later Mr. Habersham was transferred to the Division of Signals. Marva Brown, who at the time held an E Level Director's title, was named to the executive staff as Acting Chief Officer of DOS Capital Programs in October/November 2010.

Marva implemented several personnel actions which directly affected my promotional opportunities:

### **Personnel Action No. 1**

After several discussions with Marva Brown regarding the lack of personnel to meet the demands of the Unit, Marva Brown assigned another analyst to the Communications Unit. In further discussions regarding the future of the Unit and in recognition of my increased responsibilities, Marva Brown informed me that she planned to re-hay my position for an in-place promotion from an E Level Director to a C Level Director; but she was not willing to assign me a Senior Director Title. I inquired why the difference, her response was "don't worry about the title you are getting a salary increase" and promised a 15 percent increase in salary. This in-place promotion took almost a year to process with only a 12 percent increase which raised my salary from approximately \$88,000 to \$98,730. Naja Zarzour's salary at retirement was approximately \$135,000. The position Naja vacated as an A Level Senior Director of Communications and Systems was never posted or filled.

### **Personnel Action No. 2**

Immediately after my in-place promotion was finalized Marva Brown informed me that I would be reporting to Donald Tsang, Senior Director in the Stations Program area. Although there were several high level Presidential initiatives at the time, Donald saw no need for immediate supervision so I continued to perform and direct the tasks of the Communications Unit. Approximately a year later in 2011 Donald Tsang retired. Several months later Marva Brown requested that I occupy Donald's office.

### **Personnel Action No. 3**

Several months after Donald Tsang's departure, Marva Brown informed me that I will be reporting to Joan Newbold, an A Level Senior Director and

Manager of The Fulton Street Infrastructure Improvement project and who was located on a different floor. Although Joan and I communicated regularly, she saw no need for supervision so I continued to manage and handle the responsibilities of the communications area; this included the expedited system-wide rollout of a new Help Point system and associated infrastructure capital investments. Approximately one year later in June 2012, Joan Newbold left her position and returned to CPM.

#### **Personnel Action No. 4**

Upon Joan Newbold's departure in June 2012, Marva Brown informed me that I will now be reporting to Amy Kaufman, who was newly hired as a B Level Senior Director to manage the Stations area. A short time later, Marva Brown removed the Stations area from Amy Kaufman's leadership and it was placed under Timothy Forker. Again, Amy saw no need for supervision so I continued to manage and handle all responsibilities of the Communications Unit.

#### **Personnel Action No. 5**

In July 2013, a B Level Senior Director position was vacated by Ken Pearce who retired. I applied for the position and was interviewed on October 9, 2013 by a panel of four Senior Directors (Amy Kaufman, Robert Levine, Tim Forker and one Human Resources representative, Renalda Goodall). Several months later on February 3, 2014 Marva met with me and asked me what I would do if I did not get the job. She also informed me that the position was not the right fit for me so she was giving the position to Joseph DiLorenzo. I later learned that I was one of two top candidates recommended by the interview panel for the position, and that Joe Lorenzo was not recommended.

#### **Personnel Action No. 6**

In April 2014, Marva Brown called me to her office and requested that I vacate my office. Her reason was that she needed the office for Joseph DiLorenzo who was now a B Level Senior Director and deserved an office. I vacated the office and returned to a cubicle.



### **Personnel Action No. 7**

In May 2014, Amy Kaufman resigned from MTA New York City Transit. For the first time in 4 years a Senior Director of Communications position was posted; I applied and was interviewed by a panel of 3 (Marva Brown, Debbie Chin – Program Manager CPM, and Jennifer Franceschini – HR Representative). Several weeks later Marva Brown scheduled a meeting on August 20, 2014 at 4:30 p.m. and informed me that she had made a decision to “bring a person from outside” to fill the Senior Director of Communications and Systems position because I was not ready for the next level. This came as a surprise to me since I had been handling the unit, without incident or complaint for over 4 years. Further, my Managerial Performance Reviews were very good and I was never notified of areas where I needed improvement.

On September 8, 2014, I had a scheduled meeting with CPM to discuss funding for Radios. Later that morning, while sitting in my cubicle, I was approached by David Chan, who introduced himself as my new boss. He proceeded to tell me that Marva Brown had invited him to sit in on the morning’s meeting so that “he can come up to speed”. He went on to state that he was impressed with the way I handled the meeting and how well I know Communications issues and hoped that we can work together in the future. When I inquired as to who he was he stated that he was offered the Senior Director’s position and the paperwork is being processed.

Marva Brown had not informed me that she had hired David Chan nor had Marva Brown announced the hiring of David Chan to be my boss.

### **Bias, Unequal and Unfair Treatment, Unfair Promotion and Hiring Practices:**

#### **Issue No. 1**

I was denied two promotions in less than one year with no valid or acceptable reasons:

- Although I was one of the top two candidates recommended by the interview panel for the position I interviewed for on October 9, 2013 (posting hereto attached as attachment 3), Marva Brown, who was

not on the hiring panel, failed to promote either of the top two candidates. Instead, she promoted Joseph DiLorenzo, a younger white male into the position; whom, as I was made to understand, was not recommended by the interview panel. The other candidate and I who were recommended for the position are both over the age of 50.

- Again, in less than one year, I applied and was interviewed on July 30, 2014 for the job that I have been doing unsupervised for 4 years (**posting hereto attached as attachment 4**). Marva Brown, again, failed to promote me and instead offered the position to a younger Asian male. During our meeting on August 20, 2014 at 4:30 p.m., Marva Brown did not give me any feedback on the interview. She stated to me that “you are not ready for the next level”. My most recent 2013 performance evaluation did not state any deficiencies regarding my performance (**evaluations hereto attached as attachment 5**).

#### Issue No. 2

The B Level Senior Director, Amy Kaufman, who I reported to for 2 years, left the Agency since the end of May 2014. Since Amy’s departure, Marva Brown has not provided any direction or communicated with me regarding my job responsibilities. The position is still vacant and I continue to manage the Unit independently with increased work load. Upon Amy’s departure, the Communications and systems Unit Analyst positions were reduced from 3 to 1. All other Units in the Division have at least 2 Analysts assigned.

#### Issue No.3

There are two other C Level Directors (Robert Levine and Anna Perdomo) in Capital Programs. They both have the title of Senior Director and occupy offices. I am the only C Level Director without the Senior Director Title; the only C Level Director who was relocated to a cubicle, and the only C Level Director who does not occupy an office. Joseph DiLorenzo’s cubicle is still vacant. This was meant to publicly humiliate me.

#### Issue No. 4

Marva Brown’s actions with regards to David Chan as outlined in Personnel Action No. 7 were meant to isolate, disrespect, harass and humiliate me. She

had not announced David Chan's hiring to me or the Division's staff. In addition, David Chan had applied for numerous positions in Capital Programs; including the October 9, 2013 Level B Senior Director position which went to Joseph DiLorenzo; David Chan was also not selected for the lower Level C Director's position which went to AnaMaria Perdomo.

#### Issue No. 5

Marva Brown signed my performance evaluation for January 1, 2013 to December 31, 2013 and rated my performance as "Excellent" with summary comments which read **"Jennifer continues to be an effective leader of the Communications area for DOS Capital Programs. With several presidential initiatives in the current and upcoming programs, Jennifer is instrumental in the development of comprehensive operating/maintenance budget impacts. She and her staff track the communications program with diligence and attention to detail. She takes an active role in the decision-making process for changes to projects as well as prior to implementation of new communication systems"**. If there were areas in my performance which needed development, they should have been identified in my professional assessment. Therefore, I can only conclude that Marva Brown's action of unfair and unequal treatment of me is discriminatory.

#### Issue No. 6

In her determination to suppress my career advancement and compensation, Marva Brown is now pursuing the hiring of David Chan, a D Level Director from Car Equipment. This promotion would bring an individual who is currently one level below me up 2 levels to supervise me. This would be the FIFTH Senior Director that would be assigned as my supervisor in Communications and Systems over the past 4 years.

#### Issue No. 7

Marva Brown nominated my candidacy to participate in the New York City Leadership Institute sponsored by NYC Department of Citywide Administrative Services. She praised my performance as "a valuable member of the management team in a challenging and developing area where change is occurring at a rapid pace" (**hereto attached as Attachment 6**). Even so, she finds that I am not fit to be promotion to the next level.



### Summary

The facts outlined in this complaint, support my claims Marva Brown has violated New City Transit Equal Opportunity Employment policies and have greatly disadvantaged my promotional opportunities and advancement. Furthermore, those violations have had a systematic effect on my compensation over the past 4 years. It is clear that the numerous individuals who I have been sandwiched under and who have had no direct input or involvement in the responsibilities in the Communications and Systems program area, is a calculated effort to suppress my advancement and suppress my compensation.

Additionally, being asked to vacate an office which I have occupied for 2 years is in direct conflict with NYC Transit's **"commitment to promoting and maintaining a work environment where all people are treated in a respectful manner and where we ensure that equity and inclusion are embraced in all of our employment decisions"**.

Based on my Employee Performance Evaluations and quality of work and accomplishments in successfully managing one of the most complex areas in the Division, I can only assume that this consistent denial of advancement is a direct result of my age, race, color and/or sex. Particularly since both positions that I am highly qualified for went to two non-African American younger males. Denial of promotional opportunities, unfair hiring practices, and acts of intimidation, harassment, and bias treatment in the workplace are violations of NYC Transit EEO Policies. These violations by Marva Brown have greatly disadvantaged me.

I respectfully submit this complaint and request that a full investigation be conducted and that corrective action be taken to correct the actions that have directly affected my promotional and compensation advancements.

Jennifer Berkeley Carr 9/23/14  
Jennifer Berkeley Carr Date

130 Livingston Street  
Brooklyn, NY 11201

Carmen Bianco  
President



**New York City Transit**



October 1, 2014

Ms. Jennifer Berkeley-Carr  
1400 Fifth Avenue  
Apt. 5S  
New York, NY 10026

**In re Jennifer Berkeley-Carr**  
**EEO Case # 2014-09-30-0004**

Dear Ms. Berkeley-Carr:

This will acknowledge that your complaint alleging discrimination based on age, gender, race, color, and ethnicity has been accepted for investigation by the MTA New York City Transit's (NYCT) Office of Equal Employment Opportunity (Office of EEO). Your complaint has been assigned to Carolyn Kumah-Marques. If you wish to discuss this matter further, please do not hesitate to call Ms. Kumah-Marques at (718) 694-5175.

All future correspondence should be directed to Carolyn Kumah-Marques, EEO Investigator, at 130 Livingston Street, 3rd Floor, Brooklyn, New York 11201, or Carolyn.Kumah@nycct.com. You should keep Ms. Kumah-Marques informed of any prolonged absence from work. You are required to give Office of EEO staff your full cooperation as the staff carries out its responsibility of investigating your complaint. Failure to cooperate fully with EEO staff during the investigation may lead to dismissal of your complaint.

The investigation shall be conducted in as confidential a manner as the Office of EEO finds appropriate under the particular circumstances of the complaint. Reprisals against and interference with your right to file a complaint or seek counsel concerning such matters constitute a violation of MTA NYCT's Policy. Any employee who willfully engages in such conduct shall be subject to disciplinary action, up to and including termination.

You have a right to file this complaint with an external administrative agency. (See page 2 for the names and telephone numbers of these outside agencies.) However, please be advised that if you file this complaint with any court, administrative agency or other external forum, the Office of EEO will administratively close your case and refer the matter to NYCT's Law Department for handling.

Letter to Jennifer Berkeley-Carr  
October 1, 2014  
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The following federal and state agencies enforce laws against discrimination:

U.S. Equal Employment Opportunity Commission  
New York District Office  
33 Whitehall Street, 5th Floor  
New York, New York 10004  
(212) 336-3620 – Telephone  
(212) 336-3790 – Fax  
Toll Free (800) 669-4000

or

New York State Division of Human Rights  
1 Fordham Plaza, 4th Floor  
Bronx, New York 10458  
(718) 741-8400  
InfoBronx@dhr.state.ny.us

New York State Division of Human Rights  
55 Hanson Place, Room 1804  
Brooklyn, New York 11217  
(718) 722-2856  
InfoBrooklyn@dhr.state.ny.us

New York State Division of Human Rights  
Adam Clayton Powell State Office Building  
163 West 125th Street, 4th Floor  
New York, New York 10027  
(212) 961-8650  
InfoUpperManhattan@dhr.state.ny.us

There are statutory deadlines for filing complaints with each of these agencies. Therefore, to preserve your rights, you should promptly contact the agency for additional information.

Sincerely,



Antonio Seda  
Director and Acting Assistant Chief Officer